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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,568	07/02/2001	James E. Dickens	010281	9702

26285 7590 09/24/2003

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,568

Applicant(s)

DICKENS, JAMES E.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6-14, and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the fourth office action for U.S. Application 09/897,568 for a Cable Feed Bushing and Method of Installing a Cable Through a Wall or Other Structure filed by James E. Dickens on July 7, 2001. Claims 2, 4, and 5 have been canceled.

Allowable Subject Matter

Claims 15-18 are allowed. The following is an examiner's statement of reasons for allowance: The prior art discloses a threaded bushing with a planar head that is installed using an installation tool with an arcuate body portion with a handle and projections protruding from the body portion that correspond to the installation holes in the head portion. However, the prior art does not disclose an installation tool that is capable of providing the installation force to the bushing while the cable is protruding from the wall as claimed in independent claim 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

Claims 1, 3, 6, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosan, Sr. et al. in view of Rudolph. Rosan, Sr. et al. discloses a cable support apparatus with a body portion (14) and a substantially planar head portion

(16) with a first surface that is integrally attached to the body portion. There is a passageway extending through the body and head portion, and there is a spiral thread on an exterior surface of the body portion. There is also a second surface (any one of the six sides of the head 16) that intersects the first surface and is substantially smooth.

Rosan, Sr. et al. does not disclose a pair of holes on the head of the cable support and an installation tool with engagement projections protruding therefrom corresponding to the holes, whereby a rotational force is applied with the tool on the bushing to cause the bushing to be screwed into a hole in a wall. Rudolph discloses a screw (10) with a body portion that has an exterior surface with threads and a head portion (16). The head portion has installation formations in the form of a pair of diametrically opposed holes (18). The screw can be screwed into a wall by using an installation tool (20) with engagement protrusions (22) and providing a rotational force on the screw, thereby allowing the screw to be rotated in either direction. The tool has an arcuate body portion (the curve at the end of 20) and a handle attached to the body portion (the straight portion of 20 in fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a head portion on the cable support apparatus taught by Rosan, Sr. et al. such as the head portion taught by Rudolph for the purpose of providing a simplified means to secure the apparatus into a structure through rotation of an appropriate installation tool.

Claims 12-14 are all related to providing paint or wall paper to the head of the bushing and exterior surface for aesthetic purposes. Although Rosan, Sr. et al. in view of Rudolph does not disclose those features, they are a matter of design preference and

would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosan, Sr. et al. in view of Rudolph, in further view of Applicant's disclosure. Rosan, Sr. does not disclose a cable support apparatus with a conical shaped body portion. However, page 7, lines 21-23 of Applicant's specification indicate that the body portion can also be cylindrical shaped (as taught by Rosan Sr.) and the shape of the body seems to merely be a matter of engineering preference. The thickness of the head portion is also a matter of engineering preference. Rosan, Sr. does not specifically disclose a head portion and body portion made of a polymeric material. However, page 11, line 22 of Applicant's specification indicates that the bushing could also be made of metal and the material used seems be a matter of engineering preference, as well.

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosan, Sr. et al. in view of Rudolph, in further view of Tschanz. Rosan, Sr. in view of Rudolph does not disclose a pre-existing hole in a structure for receiving the cable support. Tschanz discloses a structure (12) with a pre-existing aperture (14) for receiving the cable support. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a pre-existing hole in a structure, as taught by Tschanz, for facilitating the insertion of the cable support taught by Rosan, Sr. in view of Rudolph.

Claims 20-22 are related to providing paint or wall paper to the head of the bushing and exterior surface for aesthetic purposes. Although Rosan, Sr. et al. in view

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of Rudolph, in further view of Tschanz, does not disclose those features, they are a matter of design preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Response to Arguments

Applicant's arguments filed July 1, 2003 have been fully considered but they are not persuasive. Applicant argues that Rosan, Sr. teaches away from the use of a special installation tool. However, a tool is needed to install the bushing taught by Rosan, Sr. Rudolph discloses a head portion with two apertures for receiving two projections of a tool utilized to provide an installation force to the bushing. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have used a head portion such as the one taught by Rudolph, rather than a head portion such as the hexagonal arrangement taught by Rosan, Sr., for the purpose of providing a simple installation means for the bushing. Rudolph is only being used for the teaching of using an installation tool (20) to provide an installation force to a planar head (15). Applicant also argues that the head portion is not planar, but the Examiner disagrees, as the top appears to be planar.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.


Steven M. Marsh

September 19, 2003


Korie Chan

Primary Examiner